

TOWN OF SALISBURY
Zoning Board of Appeals
5 Beach Road
SALISBURY, MASSACHUSETTS 01952
978-462-7839

August 26, 2014
7:00 P.M.

MINUTES

Members Present:

Derek DePetrillo, Kevin Henderson, Beth Gandelman, Linda Tremblay, Joseph Stucker

New Business

Case No. 14-14 & 14-15

Town of Salisbury

175 Beach Rd (Map 82 Lot 5)

Request for a Special Permit and a Variance to demolish the existing Water Department office structure and associated covered storage garage and construct a new Police Station, with an associated storage shed and surface parking lot, with a roof that will not exceed the height restriction of the BC District.

4 member board.

Due to Beth being a direct abutter to 175 Beach Rd, she must recuse herself. As is her right as a direct abutter, Beth joins the audience.

Janet Slemenda, the engineer for this project, described the assessment of multiple locations in Salisbury and the conduction of the Emergency Services Study of 2013 in order to find the requested location of 175 Beach Road. The Emergency Service Study of 2013 examined locations that can reach the beach; this study also found that the police station's growth and needs should be addressed before those of the fire and public workers departments. The water tower and related buildings will remain intact on the property. This project requires a Special Permit as it will be within the beach commercial zoning district and a Variance for the request to exceed the height variance of 35' with a maximum of 48' and to increase the parking space allotting. Program space will be within the 35' limit; the desire for a pitched roof sends the building above this limit to 48' at its highest. The first floor of the new Police Station will contain a Sallyport garage and other supports to provide an entrance as well as a contained area to process arrests. The upper floors will contain storage, evidence, collection, and other spaces designed with the growth of Salisbury's needs in mind. No 'people' space goes above the height limit. This particular set of land offers due hardships in its restriction of space use.

QUESTIONS FROM THE BOARD:

Kevin Henderson questioned the use of the entire property. Janet Slemenda explained that behind the water tank, the change in elevation is 10' and the rest of the land is entirely wet. The community gardens take up 10,000ft², and the building can only occupy two (2) of the six (6) acres. Ms. Slemenda then explained that despite the hardships, the location was chosen from many others based on its distance of 0.8 miles from the current station, the cost, location, setbacks, and conservation requirements. Kevin asked about using other locations and whether an equation could be used to calculate an appropriate size based on population size. Officer Fowler explained that using this land will keep costs down in town by

using town-owned property as well as meet current need while planning for future growth. The study visited several other local police stations to compare need to size ratio. Salisbury has a higher arrest and call volume than other towns, which must be factored into the equation more than just the population size. Kevin also questioned the life expectancy of the water tower; he wondered if the water tower would ultimately break down, creating another issue on that site. Janet Slemenda explained the water tower receives regular maintenance and thus will have little impact on the current project.

Linda Tremblay asked about wells on the property. Lisa Pearson and Janet Slemenda explained that not wells, but borings, were created on the site to check whether conventional structure framing was appropriate. She also questioned the exact height variance. Derek DePetrillo also questioned the use of the height and the purpose for this increased use of height. Lisa Pearson explained that though a flat roof would meet the height requirement, a pitched roof would match the New England style of the surrounding houses and would be preferable. The Planning Board preferred the pitched roof and requested the Variance for height be granted in order to match the cadence of the neighborhood. In order to accommodate the Department of Conservation and the appropriate setbacks for the wetlands on this site, which are the only ones in Salisbury and provide paths of animal migration, the project must remain within the current footprint and a minimum of 50' from the vernal pools. The site is also of an unusual size and restricts use of additional space.

Kevin Henderson asked about the parking for police cruisers and whether the Sallyport would provide additional parking. The Sallyport is currently designed to provide a safe, contained way to bring people to detainment. A design involving extra car bays was omitted to fit within the current footprint, so the cruisers will park outside though Chief Thomas Fowler states they would like to expand because during shift changes, there are twice as many cars as normally. He explained the current location also provides an alternative exit down Old County Road rather than Beach Road; the officers would avoid beach traffic rather than sit in it. Janet Slemenda expressed the importance of having cruisers inside to avoid corrosion associated with being near the water as well as keep the cruisers clear of snow and ready to answer calls.

ABUTTERS

Bob Brunault, 41 Baker Road: Speaking on behalf of his mother, who lives directly to the west of the proposed property, Mr. Brunault asked about water diversion for the project and whether this will affect his mother's property. Lisa Pearson explains that the gardens, which abut his mother's property, have sand, which provides good drainage. The project was also required to create a draining system that keeps 100% of the run off on the property. Kevin questioned his concern for the gardens, and Lisa explained that they would stay with the current design.

Beth Gandelman, 170 Beach Rd Unit 54:

Beth Gandelman commented on the lack of communication with the people within the neighborhood. She also felt that the Police Department did not truly consider who their neighbors would be as Atlantic Breeze, the apartment complex, is full of older individuals seeking retirement who have spent their money on this development. She was concerned that a police station being across the street will further exacerbate the noise and traffic issues as well as affect property value. Ms Gandelman asked why the police station could not temporarily move and rebuild on the existing property and expand slightly. Lisa Pearson explained that the Police Station is directly in the flood zone, which would make it a dangerous place to be during an emergency. There is also not enough foot print in order to expand as future growth needs. Chief Fowler explained that he has maintained contact with the board and people in the neighborhood in order to be a good neighbor. He also assured her of his ability to control the noise of officers via policy; as long as he had been chief, there have been no complaints of noise. He also said that the vehicles will exist from behind the police station rather than from the side facing the residential buildings. The setback of 50' also provides a decent distance from the apartment complex. Beth Gandelman asked about any other feasible sites. Lisa Pearson explained that people want emergency services to stay near the beach. They looked at town-owned properties that stayed as close to the beach as possible. Citizens on the beach felt very strongly about keeping the police near the beach, which became a main concern. Kevin asked about selling properties to buy another property. Lisa Pearson explained

that 175 Beach Road is owned by the water company, so by using this property, the water tower and associated features would remain safe. Chief Fowler said the police do not dispatch directly from the building but rather from all around town; the Fire Department must come from a centralized location whereas the police do not.

Wayne Capolupo, 170 Beach Rd Unit 17:

Wayne Capolupo expressed absolutely no reservations about having the police station across from his house. He believed their presence would enhance property value, safety, as well as his peace of mind. He went on to say that the pitched roof is more functional as it will last longer and is not associated with leakage. Mr. Capolupo believed that changing from 10'x20' spaces to 9'x18' made sense as the size of spaces was based on larger older cars. Making 30% of the spots smaller allows more space. He believed that the distance of the building from the road will keep it from imposing upon the neighborhood but will simultaneously welcome those seeking the station with its New England style. This location will provide ready access to the beach during the summer but will now be closer to downtown, which is more convenient. This new space could be used for meetings and become conducive in enhancing the public-police relations as well as become conducive in making the police department more effective.

Karen Ninome 170 Beach Rd:

Karen Ninome complained about the noise of emergency vehicles, especially during the summer time. Karen Ninome felt that because the summer traffic only occurs 3-4 months out of the year, a more centralized location made more sense for covering the entirety of Salisbury. She questioned what other sites were seriously concerned during this process and reiterated her concerns about the value of property. Kevin explained that the noise associated with attending to beach emergencies is inevitable. The police also are dispatched from around town rather than the station. Linda stated that the Zoning Board of Appeals discusses the location in question, not the potential of other locations.

Kevin motions to grant the Special Permit as it meets the requirements. Derek seconds the motion. Joseph, Linda vote unanimously. Vote, 4 in favor, 0 opposed. Motion passes.

Joseph motions to grant the height Variance as the soil and wetland provide a hardship. Derek seconds the motion. Kevin, Linda vote unanimously. Vote, 4 in favor, 0 opposed. Motion passes.

Derek motions to grant the Variance for the parking space sizes as it will provide more spaces in order to serve the public. Kevin seconds. Joseph, Linda vote unanimously. Vote, 4 in favor, 0 opposed. Motion passes.

Beth Gandelman rejoins the board for the remainder of the meeting. 5 member Board.

Case No. 14-19

RC Realty Trust, Robert O. Cormier, Lisa Mead

32 Seabrook Rd (Map 21 Lot 44)

Request for a Modification of a Finding to raze a pre-existing, non-conforming mobile home and barn/garage and build a single family home.

Sarah Bellino, with Blatman, Bobrowski & Mead LLC as a representative of the applicant, was requesting a Finding to raze a pre-existing, non-conforming mobile home and barn/garage and build a single family home. A Finding for the property was previously granted on March 26, 2014. Since the March 26 Finding was granted, the foundation had been poured for the pre-existing, non-conforming structure. The foundation was poured too close to the eastern property line, decreasing the setback from 11.2" to 5.6". Sarah Bellino had a letter from the neighbor at 34 Seabrook Road who supports continued building.

ABUTTERS

J.C. Bertron 30 Seabrook Rd: Mr. Bertron offered his entire support of the project.

Kevin Henderson motions to grant modification of the Finding as it increases the set back and is not more detrimental to the neighborhood. Motion seconded by Linda. Joseph, Derek vote unanimously. Vote, 5 in favor, 0 opposed. Motion passes.

Correspondence

Joseph Stucker welcomed as a new member of the ZBA board.

Citizen's housing of 11 Beach Road requires an update of service terms. They contacted the board in order to discuss these changes.

Minutes

July 22nd: Motion to approve from Kevin. Second from Linda. Kevin, Linda, Derek, Beth, and Joseph vote unanimously to approve the minutes. Vote, 5 in favor, 0 opposed. Motion passes.

**Motion to adjourn from Kevin.
Second from Linda.
All in favor.
Vote, 5 in favor, 0 opposed.**

Date: _____

Derek DePetrillo – Clerk, Acting Chair

Beth Gandelman

Kevin Henderson

Joseph Stucker

Linda Tremblay

Respectfully submitted by Catherine Scott

Catherine Scott

Date